

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TROY COULSTON,)	
)	Civil Action No. 12 – 154J
Plaintiff,)	
)	District Judge Kim R. Gibson
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
STEVEN GLUNT, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter is before the Court on Defendants’ Partial Motion to Dismiss (ECF No. 50) and the magistrate judge’s Report and Recommendation (ECF No. 58), recommending that Defendants’ Motion be granted on the grounds asserted therein. She further recommends that Defendant John Doe be dismissed because there are no allegations directed at him in Plaintiff’s Second Amended Complaint.

The parties were served with the Report and Recommendation and informed that they had until February 24, 2014 to file written Objections. Plaintiff submitted Objections that were filed on February 27, 2014; but, because he mailed them on February 24, 2014, they are considered timely pursuant to the prison mailbox rule. *See Houston v. Lack*, 487 U.S. 266 (1988) (a prisoner’s *pro se* pleading is deemed filed when delivered to prison officials for mailing).

The Court has reviewed Plaintiff’s Objections and finds that they do not undermine the recommendation of the magistrate judge. Therefore, after *de novo* review of the pleadings and

documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered.

AND NOW, this 28th day of February, 2014,

IT IS HEREBY ORDERED that Defendants' Partial Motion to Dismiss (ECF No. 50) is **GRANTED** as follows: (1) Defendants Glunt, Beard, Close, Kessler, Sawtelle, MacIntyre, Williams and Varner are dismissed for lack of personal involvement; (2) Plaintiff's claim for money damages against the Defendants in their official capacities is dismissed because of Eleventh Amendment immunity; (3) Plaintiff's due process claim against Defendant Reed is dismissed for failure to state a claim and Defendant Reed is dismissed for lack of personal involvement to the extent Plaintiff asserts additional claims against him.

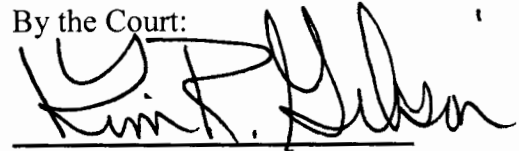
IT IS FURTHER ORDERED that Defendant John Doe is dismissed because there are no allegations directed at him in Plaintiff's Second Amended Complaint

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Domanick, Rosenbaum and Hollibaugh remain pending.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 58) is **ADOPTED** as the opinion of the Court.

AND IT IS FURTHER ORDERED that this case is remanded back to the magistrate judge for all further pretrial proceedings.

By the Court:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Troy Coulston

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